UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

LEONARD A. SEIDLITZ, : CASE NO. 1:07-cv-02471

:

Plaintiff, :

:

vs. : OPINION & ORDER : [Resolving Doc. 12].

COMMISSIONER OF, SOCIAL SECURITY :

:

Defendant. :

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff William Jewell appeals to this Court the final decision of the Commissioner of Social Security denying his application for disability insurance benefits. [Doc. 1]. The Court referred this case to United States Magistrate Judge Perelmen pursuant to Local Rule 72.2. [Doc. 3]. On March 24, the parties filed a joint stipulation recommending the a reversal and remand of the Commissioner's decision. [Doc. 11]. On March 25, 2008, Magistrate Judge Perelman issued a report and recommendation recommending this Court reverse and remand the Commissioner's decision based on that stipulation. [Doc. 12]. Neither party has filed an objection. The Court ADOPTS the Magistrate's report and recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection. 28 U.S.C. § 636(b)(1). Parties must file any objections to a Report and Recommendation within ten days

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of service. Failure to object within that time waives a party's right to appeal the magistrate judge's

recommendation. FED. R. CIV. P. 72(a); see Thomas v. Arn, 474 U.S. 140, 145 (1985); United States

v. Walters, 638 F.2d 947 (6th Cir. 1981). Absent objection, a district court may adopt the

magistrate's report without review. *Thomas*, 474 U.S. at 149. Moreover, having conducted its own

review of the parties' briefs on the issue, this Court agrees with the conclusions of the Magistrate

Judge.

Accordingly, the Court adopts in whole Magistrate Judge Perelman's findings of fact and

conclusions of law and incorporates them fully herein by reference. The Court thus **REVERSES**

the Commissioner's decision denying Seidlitz's application for disability benefits and **REMANDS**

the decision for further proceedings.

IT IS SO ORDERED.

Dated: April 14, 2008

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

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